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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,603	04/06/2000	NICOLA JOHN POLICICCHIO	6873	1426

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EXAMINER

PERRIN, JOSEPH L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 09/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/509,603

Applicant(s)

POLICICCHIO ET AL.

Examiner

Joseph Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31,33-37 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31,33-37 and 39-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 39, 42 and 45 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification, as filed, does not provide enablement for a solvent range from about 0.25% to about 4.0% by weight. Accordingly, the claimed range is considered new matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31, 33-37 and 39-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Re claims 31 and 33, the term "superabsorbant" is a relative term which renders the claim indefinite. Applicant has failed to define the meets and bounds of the patent protection sought.

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6. Re claims 33-37, the terms "effective amount" and "cleaning effective amount" render the claims indefinite. What is an effective amount? Applicant has failed to define the meets and bounds of the patent protection sought.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 31, 33-37 and 39-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,357,323 to Richardson et al., in view of US 5,522,110 to Borofsky.

9. Re claims 31 and 33-37, Richardson discloses a detergent composition containing no more than about 0.5% by weight detergent surfactant (for instance, on page 1, lines 47-62); less than about 5.0% by weight solvent (for instance, in Example 1); a pH of more than about 9 (for instance, on page 2, lines 8-9); and detergent composition comprising an effective amount of suds suppressor (for instance, on page 2, lines 55-62). Re claims 39, 42 and 45, Richardson discloses utilizing solvent (hydrotrope) between the claimed range (for instance, on page 2, lines 3-4). Re claims 40-41, 43-44 and 46-47, Richardson discloses utilizing guar gum between the claimed range (for instance, in Examples 4 to 6).

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10. Richardson also discloses cleaning a hard floor with the cleaning composition, but does not explicitly disclose wherein the cleaning composition is absorbed into an absorbent structure comprising a superabsorbent material of, for instance, a sponge mop. However, Borofsky teaches that it is known to utilize a cleaning composition of liquid detergent and solvent absorbed into an absorbent structure such as a sponge mop ("superabsorbent" material) (for instance, in column 1, lines 24-33).

11. Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to absorb the cleaning composition, disclosed by Richardson, in an absorbent sponge mop, disclosed by Borofsky, because Borofsky teaches that in order to facilitate floor cleaning, a mop is dipped into the bucket to absorb the cleaning fluid and then withdrawn and moved across the floor to spread the cleaning fluid onto the floor, wherein the cleaning fluid loosens or dissolves dirt from the floor surface (see, for instance, column 1, lines 24-33).

***Examiner's Note***

12. Unless otherwise noted below, the objections and rejections, including the 103 rejections over Berrido et al. in view of Borofsky, in the previous Office action, Paper No. 8, have been withdrawn in view of applicant's response, Paper No. 7, filed 01 August 2002.

***R s p o n s   t o   A r g u m e n t s***

13. Applicant's arguments filed 01 August 2002 have been fully considered but they are not persuasive.

14. In response to applicant's argument that Borofsky fails to show the certain feature of applicant's claimed invention, i.e. the term "superabsorbent material" (which is also rendered to be indefinite) based on the allegation that "superabsorbent material means any absorbent material having a g/g capacity of water of at least about 15g/g, when measured under a confining pressure of 0.3 psi", it is noted that the features upon which applicant relies (i.e., having a g/g capacity of water of at least about 15g/g...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. In response to applicant's argument that the term "cleaning effective amount" renders the rejected claims as definite, it is noted that applicant still has not defined the meets and bounds of the claimed patent protection sought regarding an "effective" amount.

16. In response to applicant's arguments that "polysaccharide hydrocolloids are NOT surfactants but rather stabilizers/foam retarding agents", it is noted that such hydrocolloids disclosed in Richardson, i.e. the type under the Trade Name Kelzan®, have many properties including emulsifying, which by definition, would be considered a "surfactant".

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17. In response to applicant's arguments that "Borofsky does not teach or suggest the claimed process comprising the steps of applying detergent composition and then wiping the surface with an absorbent structure such that said composition is absorbed", it is noted that applicant admits that in Borofsky, "the cleaning device [absorbent sponge mop] is first dipped in a bucket containing the detergent composition and then moved across the surface to be cleaned [applying detergent composition]", as shown in Borofsky, column 1, lines 24-31. However, following this application, Borofsky clearly states that the sponge mop "is then moved across the floor area [wiping the surface] to absorb the cleaning fluid along with the dissolved dirt from the surface", as shown in Borofsky, column 1, lines 34-36.

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

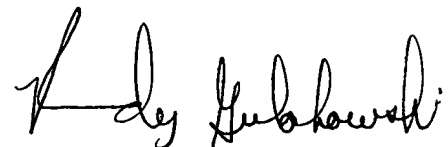
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlp  
September 11, 2002



RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
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